



13281 U.S. PTO

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 C.F.R. §1.53(b)

Attorney Docket: 056203.49700C2

PATENT

MAIL STOP: NEW PATENT APPLICATION

00727 U.S. PTO
10/762328



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : (To Be Assigned) Confirmation No. : (TBA)
Applicant : Eisuke WAYAMA, et al.
Filed : January 23, 2004
TC/A.U. : (To Be Assigned)
Examiner : (To Be Assigned)
Docket No. : 056203.49700C2
Customer No. : 23911
Title : Throttle Valve Control Apparatus of Internal Combustion
Engine and Automobile Using the Same

REQUEST FOR FILING A CONTINUATION APPLICATION
UNDER 37 C.F.R. 1.53(b)

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for filing a XX continuation or ___ divisional application
under 37 C.F.R. 1.53(b), of pending prior application:

Serial No. 09/794,209

Filed on February 28, 2001

Of: Eisuke Wayama, Toshifumi Usui, Yoshikatsu
Hashimoto, Shigeru Tokumoto, and Yasuo Saito

Entitled: Throttle Valve Control Apparatus Of Internal
Combustion Engine And Automobile Using The
same

Examiner: Kwon, John

Group: 3747

- X 1. Accompanying this order is a true copy of the prior application as
originally filed.

Total pages: 1-30

- X 2. Formal drawings are being filed herewith consisting of Seven (7)
sheets, depicting Figures 1-6, and 7A-7B.

- X 3. Declaration and Power of Attorney:



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- a. Newly executed (original or copy)
- b. X Copy from prior application
- i. Deletion of Inventors - signed statement attached deleting inventor(s) named in the prior application

 X 4. Incorporation by Reference:

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 3b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

 5. Cancel original claims

 6. Small entity status:

- a. A small entity statement is enclosed
- b. A statement of small entity status (copy attached) was filed on in the prior application and status as a small entity is still proper and desired.
- c. Is no longer claimed

 X 7. The filing fee is calculated below:

Basic Fee				<u> \$385 </u>	<u> \$770 </u>
Total Claims	<u> 11 </u>	-	<u> 20 </u> = <u> 0 </u> x	<u> 9 </u> = \$	<u> 18 </u> = \$
Ind. Claims	<u> 11 </u>	-	<u> 3 </u> = <u> 8 </u> x	<u> 43 </u> = \$	<u> 86 </u> = <u> \$688.00 </u>
<u> </u> Multiple Dependent Claims				+ <u> 145 </u> = \$	<u> 290 </u> = \$
Total				<u> \$ </u>	<u> \$1,458.00 </u>

 8. Please charge my Deposit Account No. 05-1323 (Docket #) in the amount of \$.

 X 9. C&M Check No. 259890 in the amount of \$1,458.00 is enclosed to cover the filing fee and additional independent claim fee.

 X 10. The Commissioner is authorized to charge any fee which may be required under 37 CFR 1.16 or 37 CFR 1.17 or credit any

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overpayment to Deposit Account No. 05-1323 (Docket 056203.49700C2).

- X 11. Amend the specification by inserting before the first line the sentence: --This application is a continuation/division of application Serial No. 09/794,209 filed February 28, 2001.--
- X 12. Priority of Appln. No(s). 2000-110540 filed in Japan on April 6, 2000, is hereby claimed under 35 U.S.C. 119.
- X 13. A certified copy of each said priority document was filed in application Serial No. 09/794,209 on June 28, 2001.
- X 14. The prior application is assigned of record to Hitachi, Ltd (Recorded at Reel/Frame: 011946/0284; Recordation Date: June 28, 2001).
- X 15. The power of attorney in the prior application is to:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; and Jeffrey D. Sanok, Reg. No. 32,169.

- X a. The power appears in the original application papers in the prior application.
- b. Since the power does not appear in the original application papers, a copy of the power in the prior application is enclosed.
- c. Attached is a duplicate of a Supplemental Declaration which was filed in the prior application to overcome informalities.
- X d. Address all future correspondence to:

CROWELL & MORING, LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300

Customer No.

23911

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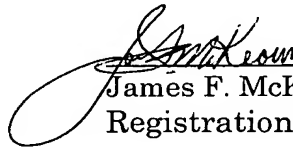
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- X 16. Forms PTO-892 and PTO-1449 listing prior art made of record in the prior application are attached. A copy of each of the listed references should be available in the prior application file.
- X 17. A Preliminary Amendment is being filed herewith.
- 19. Other: —

Respectfully submitted,

January 23, 2004


James F. McKeown
Registration No. 25,406

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